

MESSAGE NO: 3189301 MESSAGE DATE: 07/08/2013

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: INJ-Injunction PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR CITE DATE:

REFERENCE 3064307, 3113302  
MESSAGE #  
(s):

CASE #(s): A-552-814

EFFECTIVE DATE: 03/04/2013 COURT CASE #: 13-1303

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/02/2012 TO 02/12/2013

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Stay Order pending appeal regarding utility scale wind towers from the Socialist Republic of Vietnam (A-552-814), CIT Court Number 13-00082 and CAFC Court Number 13-1303

1. On 03/04/2013 the U.S. Court of International Trade (CIT) issued a Temporary Restraining Order (TRO) in court number 13-00082 enjoining liquidation of certain entries of merchandise which were subject to suspension of liquidation pursuant to the affirmative preliminary results of the less than fair value investigation published at Utility Scale Wind Towers from the Socialist Republic of Vietnam, 77 Fed. Reg. 46,058 (Dep't of Commerce Aug. 2, 2012) (prelim. determ. of sales at less than fair value and postponement of final determ.) and were entered, or withdrawn from warehouse, for consumption during the period from August 2, 2012 through February 12, 2013, and are subject to the antidumping duty order on utility scale wind towers from the Socialist Republic of Vietnam (A -552-814). The TRO is addressed separately in message 3064307, dated 03/05/2013.

2. On 03/29/2013, the CIT issued an order in court number 13-00082 that dissolved the TRO and denied a motion for preliminary injunction that would have enjoined liquidation of certain entries described in paragraph 1.

3. On 04/19/2013 the U.S. Court of Appeals for the Federal Circuit (CAFC) issued an order in court number 13-1303 temporarily enjoining Commerce and CBP from taking any action inconsistent with the TRO described above and in message 3064307, dated 03/05/2013, pending the CAFC's receipt of responses to a motion for a stay, pending appeal, and its consideration of the papers submitted. This order of the CAFC is addressed separately in message 3113302, dated 04/23/2013.

4. On 06/28/2013 the CAFC issued an order (Stay Order) in court number 13-1303 which stayed, pending appeal, the CIT's order dated 03/29/2013

5. This Stay Order was issued in connection with CIT court number 13-00082 and CAFC court number 13-1303 and enjoins liquidation of the entries described in paragraph 1 and referenced in message 3064307, dated 03/05/2013, and message 3113302, dated 04/23/2013. This Stay Order shall remain effective for all entries which remain unliquidated as of 5:00 p.m. on 03/04/2013 and

shall remain in effect until further notice.

6. Liquidation instructions for entries affected by the Stay Order have not yet been issued.

7. Accordingly, effective 03/04/2013 and until further notice, CBP is instructed not to liquidate entries of merchandise as described in paragraph 1 and as referenced in message 3064307, dated 03/05/2013, and message 3113302, dated 04/23/2013. Any entries that are set for liquidation must be unset immediately. Continue to suspend liquidation of other entries of utility scale wind towers from the Socialist Republic of Vietnam that were entered, or withdrawn from warehouse, for consumption during the period 08/02/2012 through 02/12/2013 until liquidation instructions are issued.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O4:MAZ.)

9. There are no restrictions on the release of this information.

Michael B. Walsh

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party